

Fill in this information to identify your case:

United States Bankruptcy Court for the:

WESTERN DISTRICT OF NORTH CAROLINA

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Avivar Hospitality, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 47-3331806

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

5720 Creedmoor Road
Suite 205
Raleigh, NC 27612

Number, Street, City, State & ZIP Code

Wake

County

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

9110 Harris Corners Parkway Charlotte, NC 28269

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor **Avivar Hospitality, LLC**
Name

Case number (if known)

7. Describe debtor's business**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?**Check one:**

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. **Check all that apply:**

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**☒ No.☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?☒ No☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **Avivar Hospitality, LLC**
Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☐ No

☒ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☒ Other **Food inventory**

Where is the property?

**9110 Harris Corners Parkway
Charlotte, NC, 28269-0000**

Number, Street, City, State & ZIP Code

Is the property insured?

☒ No

☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☒ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☒ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **Avivar Hospitality, LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **August 27, 2020**
MM / DD / YYYY

X /s/ Anuj Mittal
Signature of authorized representative of debtor

Title **Manager of Lotus Holdings, LLC**

Anuj Mittal
Printed name

18. Signature of attorney

X /s/ Richard S. Wright
Signature of attorney for debtor

Date **August 27, 2020**
MM / DD / YYYY

Richard S. Wright 24622
Printed name

Moon Wright & Houston, PLLC
Firm name

**121 West Trade Street
Suite 1950
Charlotte, NC 28202**
Number, Street, City, State & ZIP Code

Contact phone **704-944-6560**

Email address **rwright@mwhattorneys.com**

24622 NC
Bar number and State

CORPORATE RESOLUTION

Lotus Holdings LLC, being the sole member of Avivar Hospitality, LLC, a North Carolina limited liability company (the "Company") having a corporate headquarters located at 5720 Creedmoor Road, Suite 205, Raleigh, North Carolina 27612, does hereby adopt the following resolutions by signing below to consent to action without holding a formal meeting of the members of the Company:

RESOLVED, that the filing by the Company of a petition for relief under chapter 11 of title 11, United States Code (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Western District of North Carolina is approved; and it is

FURTHER RESOLVED, that the manager(s) of the Company is/are authorized, empowered, and directed to execute on behalf of the Company a petition for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Western District of North Carolina, and any affidavits, forms, schedules, applications or any other pleadings or documents which are necessary or appropriate, including debtor-in-possession financing arrangements; and it is

FURTHER RESOLVED, that the retention on behalf of the Company of the law firm of Moon Wright & Houston, PLLC, upon such terms and conditions as the manager(s) of the Company shall approve, to render legal services to, and to represent the Company in connection with such chapter 11 proceeding and other related matters in connection therewith, is authorized and approved; and it is

FURTHER RESOLVED, that the manager(s) of the Company is/are authorized to retain on behalf of the Company such other professionals as the manager(s) of the Company deem necessary or appropriate, upon such terms and conditions as the manager(s) of the Company shall approve, to render services to the Company in connection with such chapter 11 proceedings and with respect to other related matters in connection therewith; and it is

FURTHER RESOLVED, that the manager(s) of the Company is/are authorized, empowered, and directed to take any and all further action and to execute and deliver any and all such further instruments and documents and to pay all such expenses (subject to Bankruptcy Court approval), where necessary or appropriate in order to carry out fully the intent and to accomplish the purposes of the resolutions adopted herein; and it is

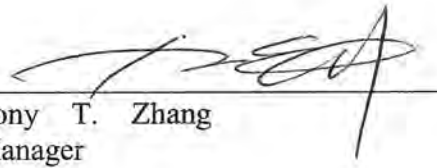
FURTHER RESOLVED, that all actions taken by the manager(s) of the Company prior to the date hereof in connection with the reorganization of the Company or any matter related thereto, or by virtue of these resolutions, are hereby in all respects ratified, confirmed, and approved.

[Signature Page Follows]

Dated: Charlotte, North Carolina
August 24, 2020

LOTUS HOLDINGS LLC,
a North Carolina limited liability company,

By: 
Anuj N. Mittal
Manager

By: 
Tony T. Zhang
Manager

Fill in this information to identify the case:

Debtor name Avivar Hospitality, LLC

United States Bankruptcy Court for the: WESTERN DISTRICT OF NORTH CAROLINA

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 27, 2020

X /s/ Anuj Mittal

Signature of individual signing on behalf of debtor

Anuj Mittal

Printed name

Manager of Lotus Holdings, LLC

Position or relationship to debtor

Fill in this information to identify the case:

Debtor name **Avivar Hospitality, LLC**
 United States Bankruptcy Court for the: **WESTERN DISTRICT OF NORTH CAROLINA**
 Case number (if known): _____

☐ Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
American Hotel Register Company PO Box 7206720 Dallas, TX 75320						\$1,120.67
City of Charlotte Water/Sewer Billing Center PO Box 1316 Charlotte, NC 28201-1316						\$2,935.01
Duke Energy PO Box 70516 Charlotte, NC 28272-0561						\$9,719.57
Duke Energy PO Box 70516 Charlotte, NC 28272-0561						\$1,542.86
Four Winds Interactive Dept CH 19997 Palatine, IL 60055-9997						\$99.00
George Barbour & Associates, PLLC 6622 Gordon Rd Suite B Wilmington, NC 28411						\$15,630.00
Marriott Select Brands (East) 10400 Fernwood Road Dept. No. 51.514.01 Bethesda, MD 20817						\$0.00

Debtor **Avivar Hospitality, LLC**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Mid-America Telephone Systems, Inc. 618 Cepi Dr. Suite A Chesterfield, MO 63005						\$448.06
Midas Hospitality, LLC 1804 Borman Circle Drive Suite 100 Saint Louis, MO 63146			Contingent Unliquidated			\$0.00
Morningstar Law Group 421 Fayetteville Street Suite 530 Raleigh, NC 27601			Disputed			\$37,884.52
Nexsen Pruet, LLC PO Box 2426 Columbia, SC 29202						\$440.00
Office Depot, Inc. PO Box 1413 Charlotte, NC 28201-1413						\$406.18
Ricoh USA, Inc. PO Box 827577 Philadelphia, PA 19182-7577						\$73.71
Southern Comfort Zone 10819 Jordan Rae Lane Charlotte, NC 28277						\$318.53
The Wasserstrom Company PO Box 182056 Columbus, OH 43218-2056						\$440.87
ViacomCBS Law Department 51 West 52 Street c/o Andrew K. Nieh, VP New York, NY 10019			Contingent Unliquidated Disputed			\$0.00
Weatherspoon & Voltz LLP 3700 Glenwood Ave Suite 250 Raleigh, NC 27612						\$162.50

Debtor **Avivar Hospitality, LLC** Case number (if known) _____
Name

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Young Moore and Henderson, P.A. PO Box 31627 Raleigh, NC 27622						\$413.34

**United States Bankruptcy Court
Western District of North Carolina**

In re **Avivar Hospitality, LLC**

Debtor(s)

Case No.
Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Lotus Holdings, LLC 5720 Creedmoor Road #205 Raleigh, NC 27612		100%	

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Manager of Lotus Holdings, LLC** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **August 27, 2020**

Signature **/s/ Anuj Mittal**
Anuj Mittal

Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court
Western District of North Carolina**

In re **Avivar Hospitality, LLC**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Manager of Lotus Holdings, LLC of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **August 27, 2020**

/s/ Anuj Mittal

Anuj Mittal/Manager of Lotus Holdings, LLC

Signer/Title

Access Point Financial, LLC
1 Ravinia Drive
Suite 900
Atlanta, GA 30346

Amadeus Hospitality Americas
75 New Hampshire Avenue, Suite 300
Portsmouth, NH 03801

American Hotel Register Company
PO Box 7206720
Dallas, TX 75320

American Lending Center
1 World Trade Center
#1130
Long Beach, CA 90831

Anuj and Vinita Mittal
c/o John Paul H. Cournoyer
Northen Blue, LLP
1414 Raleigh Road, Suite 435
Chapel Hill, NC 27517

City of Charlotte Water/Sewer
Billing Center
PO Box 1316
Charlotte, NC 28201-1316

Duke Energy
PO Box 70516
Charlotte, NC 28272-0561

Ecolab, Inc.
370 Wabasha Street North
Saint Paul, MN 55102

Edwards Electronic Systems, Inc.
PO Box 39
Clayton, NC 27528

Enseo
1680 Prospect Drive, Suite 100
Richardson, TX 75081

Four Winds Interactive
Dept CH 19997
Palatine, IL 60055-9997

George Barbour & Associates, PLLC
6622 Gordon Rd
Suite B
Wilmington, NC 28411

Live Oak Bank
1741 Tiburon Drive
Wilmington, NC 28403

Lotus Holdings, LLC
c/o Anuj Mittall
5720 Creedmoor Road, Suite 205
Raleigh, NC 27612

Marriott International, Inc.
10400 Fernwood Road
Attn: Law Dept. 52/923.27
Bethesda, MD 20817

Marriott Select Brands (East)
10400 Fernwood Road
Dept. No. 51.514.01
Bethesda, MD 20817

Mecklenburg County Tax Collector
PO Box 31457
Charlotte, NC 28231-1457

Mid-America Telephone Systems
618 Cepi Drive, Suite A
Chesterfield, MO 63005

Mid-America Telephone Systems, Inc.
618 Cepi Dr.
Suite A
Chesterfield, MO 63005

Midas Hospitality, LLC
1804 Borman Circle Drive
Suite 100
Saint Louis, MO 63146

MJM Group Managers, Inc.
5720 Creedmoor Road, Suite 205
Raleigh, NC 27612

Morningstar Law Group
421 Fayetteville Street
Suite 530
Raleigh, NC 27601

Nexsen Pruet, LLC
PO Box 2426
Columbia, SC 29202

Office Depot, Inc.
PO Box 1413
Charlotte, NC 28201-1413

Oracle America, Inc.
500 Oracle Parkway
Redwood City, CA 94065

Otis Elevator Company
9625-G Southern Pine Boulevard
Charlotte, NC 28273

QC Vantage Investment Partners, LLC
2101 Queens Road West
Charlotte, NC 28207

Quore Systems, LLC
2000 Meridian Boulevard, Suite 200
Franklin, TN 37067

Ricoh USA, Inc.
PO Box 827577
Philadelphia, PA 19182-7577

Ruppert Landscape, Inc.
23601 Laytonsville Road
Gaithersburg, MD 20882

Southern Comfort Zone
10819 Jordan Rae Lane
Charlotte, NC 28277

Spectrum
1813 Spring Garden Street
Greensboro, NC 27403

Sterling Holdings, LLC
15615 53rd Ave N.
Plymouth, MN 55446

The Wasserstrom Company
PO Box 182056
Columbus, OH 43218-2056

TravelClick, Inc.
300 N. Martingale, Suite 650
Schaumburg, IL 60173

ViacomCBS Law Department
51 West 52 Street
c/o Andrew K. Nieh, VP
New York, NY 10019

Weatherspoon & Voltz LLP
3700 Glenwood Ave
Suite 250
Raleigh, NC 27612

Wells Fargo Vendor Financial Services
PO Box 740540
Atlanta, GA 30374-0540

William L. Esser
Parker Poe Adams & Bernstein
620 South Tryon Street, Suite 800
Charlotte, NC 28202

Young Moore and Henderson, P.A.
PO Box 31627
Raleigh, NC 27622

**United States Bankruptcy Court
Western District of North Carolina**

In re **Avivar Hospitality, LLC**

Debtor(s)

Case No.
Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Avivar Hospitality, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

Lotus Holdings, LLC
5720 Creedmoor Road #205
Raleigh, NC 27612

☐ None [*Check if applicable*]

August 27, 2020

Date

/s/ Richard S. Wright

Richard S. Wright 24622

Signature of Attorney or Litigant
Counsel for **Avivar Hospitality, LLC**
Moon Wright & Houston, PLLC
121 West Trade Street
Suite 1950
Charlotte, NC 28202
704-944-6560 Fax:704-944-0380
rwright@mwhattorneys.com